



CITY OF MEMPHIS

COUNCIL AGENDA

August 3, 2004

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

CALL TO ORDER by the Sergeant-at-Arms

INVOCATION

PLEDGE OF ALLEGIANCE

CALL OF ROLL by the Comptroller

APPROVAL OF PREVIOUS MEETING MINUTES (July 20, 2004)

CONSENT AGENDA

GENERAL ORDINANCE - FIRST READING

1. **ORDINANCE** to amend Chapter 20, Article I, Section 20-26, Code of Ordinances, City of Memphis to authorize the issuance of citations by the Division of Public Works for violations of Section 20-26, up for F I R S T reading.

Hooks

Ordinance No. 5073

ACTION REQUESTED: Adopt the ordinance on First reading

GENERAL ORDINANCES - SECOND READING

2. **ORDINANCE** to amend the City of Memphis, Code of Ordinances, Chapter 33, so as to create the Mary's Creek Special Sewer Service Area, up for S E C O N D reading.

Hooks

Ordinance No. 5070

ACTION REQUESTED: Adopt the ordinance on Second reading

3. **REFERENDUM ORDINANCE** to amend the Charter of the City of Memphis, the same being Chapter 11 of the Acts of 1879, and the Acts of 1915, Chapter 408, as amended pursuant to the provisions of Article XI, Section 9 of the Constitution of the State of Tennessee (Home Rule Amendment) so as to authorize the levy and collection of an additional Privilege Tax and/or fee on the privilege of engaging in certain vocations, occupations, callings and employment related activities within the City and to authorize the use of revenue derived therefrom and for budget expenditures for Fire, Police, Memphis City Schools and for corresponding reductions of Ad Valorem Taxes for expenditures made from such revenues and to submit this proposed Referendum Ordinance to the qualified voters of the City of Memphis at the first general state election to be held November 2, 2004, up for S E C O N D reading.

Marshall

Ordinance No. 5072

ACTION REQUESTED: Adopt the ordinance on Second reading

ZONING ORDINANCES - FIRST READING

(none)

ZONING ORDINANCE - SECOND READING

4. **ORDINANCE** rezoning ± 308 feet west of Buckeye Road; ± 810 feet north of Rocky Point Road, containing 2.152 acres in the Agricultural (AG) District, up for S E C O N D reading.

Peete

Ordinance No. 5071

Case No. Z 04-123

Companion Case: SUP 04-209)

Applicant: David Miller
Michael J. Fahy, Prime Development Group – Representative

Request: Singe Family Residential (RS-6) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on Second reading

ENGINEERING

5. **RESOLUTION** accepting HACKS CROSSING PD, PHASE 6, and authorizing release of bond.

Case No. PD 96-324cc

(Contract No. CR-4830)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located at the end of Pinefrost Lane, south of Shelby Drive, west of Hacks Cross Road. The standard improvement contract was approved on October 21, 2003. Resolution also authorizes the release of the letter of credit in the amount of \$206,000.00. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

6. **RESOLUTION** accepting WINDCHASE OF BERRYHILL SUBDIVISION, PHASE 2, and authorizing release of bond.

Case No. S 95-78cc

(Contract No. CR-4298)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on Chimneyrock Boulevard, 3,192 feet \pm east of Berryhill Road. The standard improvement contract was approved on April 7, 1998. Resolution also authorizes the release of letter of credit in the amount of \$122,685.00. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

7. **RESOLUTION** approving final plat of DEXTER RIDGE FARMS, PD.

Case No. PD 04-307cc

Contract No. CR-4886

Resolution approves the final plat located on the northeast corner of Dexter Road and Wynne Road. Cost of the required improvements to be borne by the Developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

NOTATIONS FROM OPD

8. **NOTATIONS** from Land Use Control Board that the following cases were heard and recommendation made requesting a date of public hearing:

A. Case No. PD 04-325cc – GARDENS OF GREYS HOLLOW PLANNED DEVELOPMENT

Located on the south side of Walnut Grove Road; +2,649.94 feet west of Houston Levee Road, containing 48.90 acres in the Agricultural (AG), Agricultural Flood Plain (AG{FP}), and Floodway (FW) District

Applicant: Jeffrey L. Bronze
Ronald Harkavy, Attorney – Representative

Request: A planned development to permit 131 single family detached lots with minimum lot size of 6,000 square feet within the plan

LUCB and OPD recommendation: APPROVAL, with conditions

B. Case No. PD 04-330cc – WICKLIFFE PLANNED DEVELOPMENT

Located on the north side of Raleigh-LaGrange Road ±575 feet east of Barbara Lane, containing 62.09 acres in the Agricultural (AG) District

Applicant: Boyle Investment Company
Davis Engineering Company, Inc. – Representative

Request: Single-family residential use – 16 lots with access from a private drive and a minimum lot size of 2.75 acres

LUCB and OPD recommendation: APPROVAL, with conditions

C. Case No. PD 04-331cc – PEMBERTON MEADOWS PLANNED DEVELOPMENT

Located on the north side of Holmes Road; +5,303 feet east of Hacks Cross Road, containing 30 acres in the Agricultural (AG) District

Applicant: Chapel Ridge Partners
E.D.S., Inc. – Representative

Request: A planned development to permit 45 single family detached lots with a minimum lot size of 16,500 square feet within the plan

LUCB and OPD recommendation: APPROVAL, with conditions

D. Case No. PD 04-334cc – THE OAKS AT APPLING II PLANNED DEVELOPMENT

Located on the west side of Appling Road; +/-720 feet south of Goodlett Farms Parkway, currently governed by Appling Commons Planned Development (P.D. 97-345cc)

Applicant: Kemmons Wilson, Inc.
Dalhoff-Thomas-Daws, Gary Barta – Representative

Request: Planned development amendment to create Area 'E' to permit thirty-two (32) townhouse dwelling units and one (1) duplex dwelling unit within the Outline Plan

LUCB and OPD recommendation: APPROVAL, with conditions

E. Case No. PD 04-335 – PARK-AUDUBON PLANNED DEVELOPMENT

Located on the north side of Park Avenue; +345 feet west of Perkins road, containing 2.43 acres in the Single Family Residential (R-S10) District

Applicant: John Gallina
Davis Engineering Company – Representative

Request: A planned development to permit 9 single family detached lots, minimum lot size of 5,997 square feet within the plan

LUCB and OPD recommendation: APPROVAL, with conditions

F. Case No. PD 04-337 - WHITTEN GROVE PLANNED DEVELOPMENT

Located on the west side of Whitten Road; +443.63 feet south of centerline of Reese Road, containing 3.0 acres and is governed by the conditions for Parcel 3 A of the Whitten Grove Planned Development (P.D. 980354cc)

Applicant: Dunbar, Pearce, & Holly

Request: Create a Parcel 3B to be regulated by the Highway Commercial (C-H) District

LUCB and OPD recommendation: APPROVAL, with conditions

G. Case No. UV 04-07

Located on the southeast side of Channel 3 Drive, containing 4.045 acres in Riverside Residential

Applicant: WREG TV/Radio
Buckner Wellford – Representative

Request: Heliport

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: August 17, 2004



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MLGW FISCAL CONSENT

9. RESOLUTION approving Change Order No. 3 to Contract No. 10835, Water Main Extension II, with Mills & Sons, Inc. in the amount of \$44,820.93.
10. RESOLUTION awarding contract for insulating links to Insulatus, Inc. in the amount of \$109,818.00.
11. RESOLUTION awarding contract for ABB type meters to WESCO Distribution in the amount of \$28,400.00.
12. RESOLUTION awarding contract for odorant system to Tri-State Meter in the amount of \$68,355.95.



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APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

REGULAR AGENDA

PRESENTATIONS AND RECOGNITION OF VISITORS

13.
Marshall

APPOINTMENTS

Memphis Light, Gas & Water Commission

Appointment

Angela Blakely (Held from 7/20)

Public Art Oversight Committee

Appointments

Sandra Burke
Darrell Cobbins
Erin Hampton

Urban Art Commission

Appointments

George Hunt
Marina Pacini

GENERAL ORDINANCES - THIRD AND FINAL READING (none)

EXECUTIVE DIVISION

14. RESOLUTION requesting the City Council to appropriate \$80,259.00 funded by G.O. Bonds General to CIP Project #GA03010, Hardware and Software, to fund the 10% local share of costs as part of the Fiscal Year 2005 Capital Improvement Budget for The Memphis Area Transit Authority.

Hooks

ACTION REQUESTED: Adopt the resolution

15. RESOLUTION requesting the City Council to appropriate \$110,000.00 funded by G.O. Bonds General to CIP Project #GA03006, Trolley Refurbishment, to fund the 10% local share of costs as part of the Fiscal Year 2005 Capital Improvement Budget, for The Memphis Area Transit Authority.

Hooks

ACTION REQUESTED: Adopt the resolution

16. RESOLUTION requesting the City Council to appropriate \$6,000,000.00 funded by G.O. Bonds General to CIP Project #GA03018, Preventive Maintenance to fund operating costs for The Memphis Area Transit Authority as part of the Fiscal Year 2005 Capital Improvement Budget.

Hooks

ACTION REQUESTED: Adopt the resolution

FINANCE & ADMINISTRATION (none)

DIVISION OF FIRE SERVICES

17. RESOLUTION accepting grant funds in the amount of \$42,762.00 from the Department of Homeland Security to be utilized for Fire Prevention and Safety. Resolution also amends FY 2005 Operating Budget to appropriate grant funds.

Taylor

ACTION REQUESTED: Adopt the resolution

DIVISION OF GENERAL SERVICES (none)

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT

18. RESOLUTION to establish and transfer the use of \$1,000,000.00 in Brownfields Economic Development Initiative (BEDI) grant funds and \$4,000,000.00 in a Section 108 Loan that were awarded and received from HUD by the Division of Housing and Community Development for the Firestone Tire and Rubber project to the University Place project.

Ford

ACTION REQUESTED: Adopt the resolution

DIVISION OF HUMAN RESOURCES (none)

LAW DIVISION (none)

DIVISION OF PARK SERVICES

19. RESOLUTION transferring an allocation of \$19,310.00 from Architect Engineering to Construction and appropriating \$419,310.00 in construction for Polly Williams Playground, CIP Project Number PK202 funded by G.O. Bonds General chargeable to the Fiscal Year 2005 Capital Improvement Budget. Nine bids were received with the lowest best bid being from P. C. Mock Construction.

McCormick

ACTION REQUESTED: Adopt the resolution

20. RESOLUTION approving completion of plans and specifications for Marquette Playground, located at Park Ave. and Mount Moriah Rd., CIP Project Number PK221, at an estimated amount of \$100,000.00.

McCormick

ACTION REQUESTED: Adopt the resolution

21. RESOLUTION approving completion of plans and specifications for Raleigh Bartlett Meadows Park, located at 5195 Twin Woods Ave., CIP Project Number PK225, at an estimated amount of \$182,000.00.

McCormick

ACTION REQUESTED: Adopt the resolution

22. RESOLUTION approving completion of plans and specifications for Pickett Playground, located at 255 St. Elmo Ave., CIP Project Number PK183, at an estimated amount of \$239,000.00.

McCormick

ACTION REQUESTED: Adopt the resolution

23. RESOLUTION amending the Fiscal Year 2005 Capital Improvement Budget by transferring allocations in the amounts of \$25,579.00 from PK217 Dave Wells Playground, A/E, and \$46,000.00 from PK030 Community Center Improvements, Construction to PK217, Construction. Resolution appropriates \$445,579.00 in PK217, Construction, funded by G.O. Bonds-General.

McCormick

ACTION REQUESTED: Adopt the resolution

DIVISION OF POLICE SERVICES

24. RESOLUTION to amend the Police Division CIP #PD053, Capital Acquisition Project, FY '05 to reduce the number of PST vehicles from 25 to 23 and add (1) Bomb Trailer, in the amount of \$375,000.00.

Taylor

ACTION REQUESTED: Adopt the resolution

25. RESOLUTION using grant funds in the amount of \$50,000.00 from the US Department of Justice, Bureau of Justice Assistance Local Law Enforcement Block Grant funds for the Memphis Police Department's Anti-Gang Anti-Drug Summer Youth Programs. These funds will be used to promote crime prevention awareness among participating youth while offering positive alternatives for drug and gang involvement.

Taylor

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC SERVICES (none)

DIVISION OF PUBLIC WORKS

26. RESOLUTION amending the Capital Improvement Budget by transferring an allocation and appropriating \$21,478.00 in Sewer Funds from Rehabilitation of Existing Sewers project number SW02001 to Sam Cooper Sewer Relocation project number SW02047 for construction cost of additional work being done by Unlimited Underground Services.

Hooks

Director of Public Works and City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

27. RESOLUTION appropriating \$2,548,000.00 in G.O. Bonds for Drain Improvements Upgrade project number PW3060 to alleviate flooding in the Downtown District near Autozone.

Hooks

Director of Public Works and City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

ZONING ORDINANCES - THIRD AND FINAL READING

28. **ORDINANCE** rezoning the north side of Brooks Road opposite the intersection of Graves Road, containing 27.421 acres in the Light Industrial (I-L) & Light Industrial Flood Plain (I-L[FP]) Districts, up for T H I R D and F I N A L reading.(Held from 7/20)

Peete

Ordinance No. 5068

Case No. Z 04-115

(Companion Case: SUP 04-206)

Applicant: Pull-A-Part of TN, LLC
SR Consulting, LLC – Representative

Request: Heavy Industrial (I-H) & Heavy Industrial Flood Plain (I-H[FP])
Districts

OPD recommendation: APPROVAL

LUCB recommendation: REJECTION

ACTION REQUESTED: Take whatever action Council deems advisable

29 NOTICES MAILED ON JULY 9, 2004

29. **ORDINANCE** rezoning the southeast corner of Thomas Street and Knox Street, containing 1.23 acres in the Planned Commercial (C-P) District, up for T H I R D and F I N A L reading.
Peete Ordinance No. 5069
Case No. Z 04-124

Applicant: Paul E. Harless
Marshall Law – Representative

Request: Amend the Planned Commercial (C-P) on Lots 103 and 104 to permit a car wash facility, rezone Lot 77 from Planned Commercial (C-P) to Single Family Residential (R-S6)

LUCB recommendation: APPROVAL of amended C-P and rezoning to R-S6

OPD recommendation: REJECTION of request for Local Commercial

ACTION REQUESTED: Take whatever action Council deems advisable

63 NOTICES MAILED ON JULY 23, 2004

DIVISION OF PLANNING & DEVELOPMENT

30. RESOLUTION approving a waiver of the special use permit for the Royal Inn and Suites located at 3685 American Way, Memphis, TN. 38118.
Peete

ACTION REQUESTED: Adopt the resolution

31. RESOLUTION accepting grant funds in the amount of \$8,250.00 from the State of Tennessee Department of Environment and Conservation to be used for the education of citizens on ways to prevent storm water run-off polluted by used oil. Resolution also amends the FY 2005 Operating Budget to allocate grant and matching funds.
Hooks

ACTION REQUESTED: Adopt the resolution

32. RESOLUTION approving a use variance located on the south side of South Rex Road, ± 420 ft. east of Brookfield Rd., containing 37,462 sq. ft. (0.86 acre) in the General Office (O-G) District.
Peete Case No. UV 04-03

Applicant: Rhitt L. Fraser
Gregory D. Cotton, Attorney-at-Law – Representative

Request: Variation to permit operation of a restaurant as an additional use within the existing antique store

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

PUBLIC HEARINGS

33. RESOLUTION approving a special use permit located on the north side of Brooks Road; opposite of the Graves Road intersection, containing 27.421 acres in the Light Industrial (I-L) and Light Industrial FloodPlain (I-L[FP]) Districts.(Held from 7/20)
Peete Case No. SUP 04-206
(Companion Case: Z 04-115/Ord. #5068)

Applicant: Pull-A-Part of Tennessee, LLC
SR Consulting, LLC (Cindy Reaves) – Representative

Request: Automobile dismantling and recycling (contingent on rezoning to Heavy Industrial (I-H) & (I-H[FP]) in companion case Z 04-115)

LUCB recommendation: REJECTION

OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

28 NOTICES MAILED ON JULY 9, 2004

34. RESOLUTION approving a planned development located on the west side of Pisgah Road; 1,850 feet south of Latting Road, containing 12.002 acres in the Agricultural (AG) District.
Peete Case No. PD 04-326cc

Applicant: Rusco
Michael J. Fahy – Representative

Request: A planned development to create twenty-two (22) single family detached lots (minimum lot size 8,000 square feet)

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

28 NOTICES MAILED ON JULY 23, 2004

35. RESOLUTION approving a planned development located on the south side of Dexter Road; +/-1,985 feet west of N. Germantown Parkway at Wood Oak Drive, containing 24.59 acres in the Single Family Residential (R-S8) District.
Peete Case No. PD 04-332

Applicant: Kemmons Wilson, Inc.
Fisher & Arnold, Inc. – Representative

Request: Planned development to permit a maximum of one-hundred eight (108) townhouse dwelling units, including associated accessory structures and uses for clubhouse and swimming pool within the Outline Plan

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

114 NOTICES MAILED ON JULY 23, 2004

GENERAL ITEM

ADJOURNMENT

ADD-ONS

36. RESOLUTION requesting that the City of Memphis Real Estate Bureau prepare and arrange any documents necessary for the extension of the date for reverter of the Rhodes Jennings & Court Park Buildings.

Ford

ACTION REQUESTED: Adopt the resolution

37. RESOLUTION approving final plat of AGNES PLACE P.D., PHASE 1.

Consent

Case No. PD 02-346

Contract No. CR-4887

Resolution approves the final plat located on the west side of Range Line Road, 183.63 feet north of Hawkins Mill Road. Cost of the required improvements to be borne by the Developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

38. RESOLUTION approving final plat of CRANE CREEK APARTMENTS P.D.

Consent

Case No. PD 02-323

Contract No. CR-4888

Resolution approves the final plat located on the east side of Ragan Street at the terminus of Gold Avenue. Cost of the required improvements to be borne by the Developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

39. RESOLUTION approving final plat of THE ENCLAVE AT SPARKLE CREEK P.D., PHASE 2.

Consent

Case No. PD 02-302cc

Contract No. CR-4889

Resolution approving final plat located on the west side of Pisgah Road, south of Humphrey Road. Cost of the required improvements to be borne by the Developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

40. RESOLUTION appropriating \$227,692.00 in Construction funded by G.O. Bonds General chargeable to the Fiscal Year 2005 Capital Improvement Budget for Liberty Bowl Stadium Improvements, CIP Project Number PK10001, to repair wind damage to press box elevator shaft.

McCormick

ACTION REQUESTED: Adopt the resolution

ADD-ONS CONT.

41. RESOLUTION approving temporary structures on the streets on August 14, 2004 from 6:00 a.m. until 10:30 a. m. for The United Cerebral Palsy of the Mid-South, Inc. 22nd Annual Elvis Presley International 5K Run/Walk.

Consent

ACTION REQUESTED: Adopt the resolution

42. RESOLUTION thanking, praising and encouraging Rev. Tim Cox and the Brinkley Heights Ministries.

Brown

ACTION REQUESTED: Adopt the resolution

8. **NOTATIONS** from Land Use Control Board that the following case was heard and recommendations made requesting a date of public hearing:

H. Case No. SAC 04-610

Located south of Avery Avenue and north of Central Avenue; between Hollywood Street and Oakdale Avenue, containing 7,069 square feet, 589'(feet) X 12'(feet) in the Single Family Residential (R-S6) District

Applicant: Boys Scouts of America
Jeff Buck – Representative

Request: Close & Vacate Alley Street Right-Of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: August 17, 2004

ACTION TAKEN BY COUNCIL ON THIS DATE

1. Through 7 – Approved
8. Public Hearing set for August 17, 2004
9. Through 12 – Approved
13. Approved, with the exception of Memphis Light, Gas and Water Commission appointment of Angela Blakely, which was dropped
14. Through 27 – Approved
28. and 29 – Held to September 7, 2004
30. Through 32 – Approved
33. Held to September 7, 2004
34. Approved
35. Approved, as amended
36. Through 42 – Approved

ACTION TAKEN ON MINUTES OF JULY 20, 2004

Approved

ACTION TAKEN ON MINUTES OF AUGUST 3, 2004

Approved, Item #40 only, Liberty Bowl Stadium Improvements